

AO 91 (Rev. 11/11) Criminal Complaint

FILEDUnited States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court**UNITED STATES DISTRICT COURT**
for the

United States of America)

v.)

MATTHEW JAMES CERNO JR.
[Year of birth: 1973])

Case No. MJ 22-718 KK)

*Defendant(s)***CRIMINAL COMPLAINT**

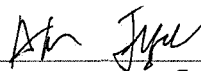
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 28 - 30, 2022 in the county of Bernalillo in the
10th Circuit District of New Mexico, the defendant(s) violated:*Code Section*

18 USC § 2261A. Stalking (2)

*Offense Description*Stalking with intent to kill, injure, harass, intimidate another person via an
electronic communication system of interstate commerce.

This criminal complaint is based on these facts:

Please see Affidavit attached hereto and herein incorporated by reference, which is continued on the attached sheet
and made part hereof.☒ Continued on the attached sheet.

Complainant's signature

Matthew Jason Frye

Printed name and title

Telephonically Sworn to me.

Date: May 2, 2022City and state: Albuquerque, New Mexico

Judge's signature

Kirtan Khalsa United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	Criminal No. _____
)	
MATTHEW JAMES CERNO,)	
)	
Defendant.)	
)	

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Matthew Frye, being first duly sworn, hereby affirm and state:

INTRODUCTION

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI"), and I have been so employed since December 2021. I am assigned to a squad that investigates incoming reports of criminal activity at the FBI's Albuquerque Field Office. I completed 19 weeks of investigative and law enforcement training at the FBI facility located in Quantico, Virginia. I am assigned to the FBI's investigation of MATTHEW JAMES CERNO (hereinafter "CERNO") which concerns threats he made to a Federal law enforcement officer within the District of New Mexico.

2. As detailed further below, CERNO left four voicemails on the cellular telephone of an FBI Special Agent (hereinafter "Agent") alleging that he would drug, rape, and direct the beating of the Agent. In the voicemails CERNO speaks about the Agent's death, which taken in

the context of the voicemails indicates CERNO's desire to cause death or physical harm to the Agent.

3. This affidavit is submitted for the limited purpose of establishing probable cause. The facts in this affidavit are based on my investigation, personal observations, training, and experience, as well as information provided to me by other law enforcement personnel. Because this affidavit is limited in purpose, I am not including all facts known to law enforcement concerning this investigation.

RELEVANT STATUTES

4. This investigation concerns alleged threats of violence that were made to a Federal law enforcement officer in violation of Title 18 United States Code, Section 2261A(2).

5. Title 18 United States Code, Section 2261A (2) states: Stalking – Whoever with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that-

(A) Places that person in reasonable fear of the death of or serious bodily

injury to a person described in clause (i), (ii), or (iii) of paragraph (1)(A);

or

(B) Causes, attempts to cause, or would be reasonably expected to cause

substantial emotional distress to a person described in clause (i), (ii), or

(iii) of paragraph (1)(A) shall be punished as provided in section 2261(b)

of this title.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

Background

6. On February 23, 2018, CERNO was interviewed by law enforcement officers from the FBI Albuquerque Field Office where he alleged to know the identity of the person who had committed multiple murders of women whose bodies were found on the West Mesa outside of Albuquerque, New Mexico (hereinafter “West Mesa Murders”). During that interview, CERNO provided the interviewer with home phone number 505-877-3143 and cellular phone number 505-373-9813.

7. In early October 2021, CERNO contacted the FBI Albuquerque Field Office from phone number 505-306-6191 to follow up regarding his prior report. On October 13, 2021, the FBI contacted CERNO via telephone number 505-306-6191 where he was again interviewed regarding his prior report.

8. On or about November 20, 2021, the FBI Albuquerque Field Office received a third phone call from CERNO who wished to provide additional information regarding the West Mesa Murders. CERNO again contacted the FBI from phone number 505-306-6191.

9. On November 20, 2021, in response to the call from CERNO, the Agent contacted CERNO from an FBI issued cellular telephone. CERNO provided statements that were similar in nature to those provided in his prior interviews. During the phone call it became apparent to the Agent that CERNO was likely under the influence of drugs or alcohol due to the disjointed nature of CERNO’s speech.

10. Over the following two-month period, CERNO made three additional phone calls to the Agent’s cellular phone from phone number 505-306-6191. Each time the Agent directed CERNO to contact the FBI call center. The third phone call from CERNO occurred between the

approximate hours of 1:00 a.m. to 2:00 a.m. on the morning of Monday, January 10, 2022.

During the call the Agent instructed CERNO not to call Agent again and directed CERNO to contact the FBI call center. The Agent then blocked CERNO's telephone number.

Threats

11. On or about January 28, 2022, CERNO telephoned the Agent four times from cellular phone number 505-306-6191. Although the phone number had been blocked on the Agent's cellular phone, CERNO was still able to leave voicemails on the Agent's phone and did so each of the four calls. CERNO's voicemails were lengthy. At times CERNO confused the Agent with people from his past, but at other times CERNO addressed the Agent directly by name. In the voicemails, CERNO made multiple threatening statements which were indicative of CERNO's desire to cause death or physical harm to the Agent.

Voicemail 1

12. In the first voicemail CERNO stated, *"You better hope I don't see you on the streets homeboy, cuz I ain't gonna be half as nice as my cousin. Fucking bitch."* CERNO then accused the Agent of having intercourse with multiple people. One of the people CERNO identified by name. The name CERNO provided was the name of the Agent's spouse. CERNO provided the spouse's first and last name. CERNO claimed that said person was CERNO's cousin.

13. It is unknown at this time if CERNO's use of the Agent's spouse's name was coincidental in nature, or if CERNO had obtained the name of the Agent's spouse through other means.

Voicemail 2

14. In the second voicemail CERNO discussed alleged wrongdoings that were perpetrated against CERNO by someone named "*Giellermo*" before stating: "*Ain't no one going to save you this time Giellermo.*"

Voicemail 3

15. In the third voice message, CERNO sounded as if he was attempting to speak in an altered, higher pitched voice. He stated, "*Hey [Agent's Name], did you ever get my message? I just wondering because you didn't call me back Ese.*" Based on training and experience, your Affiant understands the term "*Ese*" to be a Mexican or Spanish slang term of address for a fellow person.

Voicemail 4

16. During the fourth voicemail CERNO stated, "*I warned you bitch, quit fucking with me.*" Later in the voicemail he stated, "*See I'm gathering all the girls you've fucked, and got pregnant... and then I'm gonna give them bats. I'm a saran wrap your bitch ass and I'm gonna let them fucking hit you until I'm a...I get tired of watching.*"

17. Later in the voicemail, CERNO continued to make threatening statements to the Agent and stated, "*I'm going to drug your ass and let every fucking drag queen I know have a chance at it. Gonna stick a tube up it, I a fill it with air until you rip in half. You're a bitch homie. You were born a bitch, you're gonna die a bitch. That badge from the FBI ain't gonna save your ass.*"

Additional Attempts to Contact the Agent

18. The Agent received two additional phone calls from telephone number 505-306-6191, which the Agent did not answer, and no voicemail was left by the caller. The phone number remained blocked on the Agent's cellular telephone, but the attempt to contact the phone

from 505-306-6191 appeared in the missed call log of the Agent's phone. One call occurred on Saturday, January 29, 2022, at 11:18 a.m. and the other occurred on Monday, January 31, 2022, at 1:38 p.m.

Contact with FBI National Threat Operation Center

19. On January 31, 2022, at 11:46 a.m. Eastern Time, CERNO called the FBI National Threat Operations Center (NTOC) located in West Virginia, from phone number 505-306-6191. CERNO identified the Agent by name and alleged that the Agent had been harassing and threatening CERNO's family in Albuquerque, NM. During the phone call, CERNO provided the FBI with phone number 505-306-6191 as his contact number.

20. CERNO stated the FBI Agent also went by the name, "*Giellermo Diaz Torres, or something like that,*" and claimed the Agent harassed and threatened CERNO's family.

21. CERNO referred to the Agent as "*Giellermo*" in three of the four voicemails that CERNO left on the Agent's cellular phone. In CERNO's statement to the FBI NTOC call center, he identified the Agent as using the name "*Giellermo Diaz Torres.*" Making it apparent that CERNO believed he was addressing the Agent when he used the name "*Giellermo*" in voicemails left on the Agent's cellular phone.

22. On April 16, 2022, at 9:39 p.m. Easter Time, CERNO called the FBI NTOC located in West Virginia. CERNO provided the name Matthew CERNO, his date of birth (XX/XX/1973) and phone number 505-306-6191. CERNO called to report an alleged rape.

23. At all times described in this affidavit, the victim FBI Agent was located within the District of New Mexico.

T-Mobile Phone Records

24. T-Mobile, Inc., which is headquartered in Bellevue, Washington and provides electronic communication services throughout the United States using electronic communication systems (as those terms are defined in 18 U.S.C. § 2510), provided records for phone number 505-306-6191, which revealed that the account was held in the name of Sebastian CERNO with billing address 2057A SW Isleta Blvd, Albuquerque, NM 87105. A Facebook account was identified in the name of Matthew James Sebastian Cerno Jr. which indicates the CERNO used the name Sebastian. The address of 2057A SW Isleta Blvd, Albuquerque, NM 87105 was documented as being a prior residence of CERNO in Bernalillo County Sheriff's office reports.

25. A review of the T-Mobile, Inc phone records for 505-306-6191 revealed multiple telephone calls from 505-306-6191 to the Agent's cell phone during the time periods described above during which the threats were made.

INVESTIGATIVE STEPS

26. Your affiant conducted the following investigative steps:
- a. Collected and reviewed four voicemails from the cell phone of the Agent from cellular phone number 505-306-6191.
 - b. Interviews were conducted with the Agent who provided a statement regarding the history of his communications with CERNO. CERNO's statements caused the Agent to be in fear for their safety and the safety of their family. Upon hearing the voicemails left by CERNO, the Agent took immediate action to protect themselves by retrieving and staging their FBI issued body armor and duty rifle for use in the event that CERNO attempted to act on his threats. The Agent then notified the FBI regarding the threats they received from CERNO.

- c. Reviewed of previous FBI communications with CERNO, which revealed CERNO's use of cell phone number 505-306-6191.
- d. Reviewed CERNO's communication with the FBI NTOC where CERNO identified himself as MATTHEW CERNO while calling from phone number 505-306-6191.
- e. Collected police reports from Grants Police Department and Bernalillo County Sheriff's Department that document prior incidents with CERNO.
- f. Issued a Grand Jury Subpoena for subscriber information of T-Mobile phone number 505-306-6191. The resulting return indicated that Sebastian Cerno was the T-Mobile subscriber associated with that phone number. Investigation has determined that CERNO sometimes uses the name Michael James Sebastian Cerno Jr.
- g. Interviews have been conducted with additional individuals who know CERNO to use phone number 505-306-6191.

CONCLUSION

27. Based on the information set forth above, I submit there is probable cause to support that, within the District of New Mexico, MATTHEW JAMES CERNO made threats of violence against a Federal law enforcement officer in violation of Title 18, United States Code, Section 2261A(2) . I respectfully request that a warrant be issued for the arrest of MATTHEW JAMES CERNO based on the following:

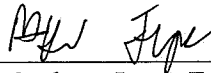
- a. Four voicemails were left on the cell phone of an FBI Agent which contained threats of violence against the Agent. The voicemails were left from phone number 505-306-6191.

- b. CERNO spoke with the Agent from phone number 505-306-6191 on four occasions. CERNO identified himself to the Agent. CERNO understood that he spoke to an FBI Agent.
- c. FBI databases recorded at least four communications with CERNO. CERNO communicated with the FBI using phone number 505-306-6191 on at least three occasions.
- d. CERNO called the FBI NTOC from phone number 505-306-6191 where he identified himself and identified the Agent by name.

28. Assistant United States Attorney Jack E. Burkhead has reviewed and approved this application.

29. I swear that this information is true and correct to the best of my knowledge.

Respectfully submitted,



Matthew Jason Frye
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me telephonically on

May 2, 2022



United States Magistrate Judge